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9 **BEFORE THE**
BOARD OF REGISTERED NURSING
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

11 In the Matter of the Accusation Against:

Case No. 2009-194

12 **SUSAN MARY DIXON**
13 24 Livingston Court
Novato, California 94949

A C C U S A T I O N

14 Registered Nurse License No. RN 462572
15 Public Health Nurse Certificate No. PHN 62631
Nurse Practitioner Certificate No. NP 15740
16 Nurse Practitioner Furnisher Certificate No.
NPF 15740

17 Respondent.
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19 Complainant alleges:

20 **PARTIES**

21 1. Ruth Ann Terry, M.P.H., R.N. (Complainant) brings this Accusation
22 solely in her official capacity as the Executive Officer of the Board of Registered Nursing,
23 Department of Consumer Affairs.

24 2. On or about March 31, 1991, the Board of Registered Nursing,
25 Department of Consumer Affairs, (Board) issued Registered Nurse License Number 462572 to
26 Susan Mary Dixon (Respondent). The Registered Nurse License was in full force and effect at
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all times relevant to the charges brought herein and will expire on April 30, 2011, unless renewed.

3. On or about September 11, 2000, the Board issued Public Health Nurse Certificate Number PHN 62631 to Respondent. The Public Health Nurse Certificate was in full force and effect at all times relevant to the charges brought herein and will expire on April 30, 2011, unless renewed.

4. On or about July 7, 2005, the Board issued Nurse Practitioner Certificate Number NP 15740 to Respondent. The Nurse Practitioner Certificate was in full force and effect at all times relevant to the charges brought herein and will expire on April 30, 2011, unless renewed.

5. On or about March 2, 2006, the Board issued Nurse Practitioner Furnisher Certificate Number NPF 15740 to Respondent. The Nurse Practitioner Furnisher Certificate was in full force and effect at all times relevant to the charges brought herein and will expire on April 30, 2011, unless renewed.

JURISDICTION

6. This Accusation is brought before the Board under the authority of the following laws. All section references are to the Business and Professions Code (Code) unless otherwise indicated.

STATUTORY PROVISIONS

7. Section 490 of the Code provides, in pertinent part, that a board may suspend or revoke a license on the ground that the licensee has been convicted of a crime substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued.

8. Section 493 of the Code states:

Notwithstanding any other provision of law, in a proceeding conducted by a board within the department pursuant to law to deny an application for a license or to suspend or revoke a license or otherwise take disciplinary action against a person who holds a license, upon the ground that the applicant or the licensee has been convicted of a crime substantially related to the qualifications, functions, and duties of the licensee in question, the record of

conviction of the crime shall be conclusive evidence of the fact that the conviction occurred, but only of that fact, and the board may inquire into the circumstances surrounding the commission of the crime in order to fix the degree of discipline or to determine if the conviction is substantially related to the qualifications, functions, and duties of the licensee in question.

9. Code section 2750 provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

10. Code section 2761 states, in pertinent part:

The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following: .

...

(f) Conviction of a felony or of any offense substantially related to the qualifications, functions, and duties of a registered nurse, in which event the record of the conviction shall be conclusive evidence thereof. . . .

11. Code section 2764 provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under Code section 2811(b), the Board may renew an expired license at any time within eight years after the expiration.

12. Code section 2765 states:

A plea or verdict of guilty or a conviction following a plea of nolo contendere made to a charge substantially related to the qualifications, functions and duties of a registered nurse is deemed to be a conviction within the meaning of this article. The board may order the license or certificate suspended or revoked, or may decline to issue a license or certificate, when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code allowing such person to withdraw his or her plea of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, information or indictment.

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1 **Regulatory Provisions**

2 13. California Code of Regulations, title 16, section 1444, states, in pertinent
3 part:

4 A conviction or act shall be considered to be substantially related
5 to the qualifications, functions or duties of a registered nurse if to a
6 substantial degree it evidences the present or potential unfitness of
7 a registered nurse to practice in a manner consistent with the public
8 health, safety, or welfare. Such convictions or acts shall include
9 but not be limited to the following:

10 (a) Assaultive or abusive conduct including, but not limited to,
11 those violations listed in subdivision (d) of Penal Code section
12 11160¹....

13 **COST RECOVERY**

14 14. Section 125.3 of the Code provides, in pertinent part, that the Board may
15 request the administrative law judge to direct a licensee found to have committed a violation or
16 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation
17 and enforcement of the case.

18 **CAUSE FOR DISCIPLINE**

19 **(Conviction of Offense Substantially Related to Registered Nursing)**

20 15. Respondent is subject to disciplinary action under sections 490 and
21 2761(f), in that she was convicted of an offense substantially related to the qualifications,
22 functions, and duties of a Registered Nurse, within the meaning of California Code of
23 Regulations, title 16, section 1444. The circumstances are as follows:

24 a. On or about March 10, 2009, in the criminal proceeding People v. Susan
25 Mary Dixon Marin County Superior Court Case No. SC159451A, Respondent was convicted by
26 a guilty plea of a felony violation of Penal Code section 368 (Elder Abuse), a criminal offense
27 she committed on May 2, 2007 to May 3, 2007 in Novato, California.

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1. Penal Code section 11160, subdivision (d), states, in pertinent part: "For the purposes of
this section, 'assaultive or abusive conduct' shall include any of the following offenses: ...
(23) Elder abuse, in violation of Section 368."

b. The facts underlying the conviction involved Respondent removing her 79 year old mother from a rehabilitation hospital, where she was recovering from hip surgery, against medical advice. Respondent made representations to a hospice program regarding her mother's health for end of life care and obtained a 20-day supply of Morphine (30 ml), but where Respondent's mother did not have terminal health issues. Respondent was responsible for the administration of the majority of the Morphine to her mother in one day. Respondent made representations to both the rehabilitation hospital and the hospice program that she was a registered nurse and, therefore, knew how to properly care for her mother.

PRA YER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

1. Revoking or suspending Registered Nurse License Number 462572, issued to Susan Mary Dixon;
2. Revoking or suspending Public Health Nurse Certificate Number PHN 62631, issued to Susan Mary Dixon;
3. Revoking or suspending Nurse Practitioner Certificate Number NP 15740, issued to Susan Mary Dixon;
4. Revoking or suspending Nurse Practitioner Furnisher Certificate Number NPF 15740, issued to Susan Mary Dixon;
5. Ordering Susan Mary Dixon to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and
6. Taking such other and further action as deemed necessary and proper.

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1 DATED: 3.12.09

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4 for RUTH ANN TERRY, M.P.H., R.N.
5 Executive Officer
6 Board of Registered Nursing
7 Department of Consumer Affairs
8 State of California
9 Complainant

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